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Via Overnight Delivery

205448

May 20, 2002

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Docket No. AB-303 (Sub No. 25X), Wisconsin Central Ltd. – Abandonment
Exemption – Langlade, Menominee and Shawano Counties, Wisconsin –
Petition for Extension of Notice of Interim Trail Use.

Dear Secretary Williams:

Enclosed please find an original and ten copies of the Wisconsin Department of Natural Resources' and Wisconsin Central Ltd.'s Joint Petition for Extension of Notice of Interim Trail Use in this abandonment except for the portion of the abandonment that runs through Menominee County. I certify that I have served copies of the petition by regular mail on this date on counsel for the Wisconsin Department of Natural Resources and counsel for both Menominee Tribal Enterprises and the Menominee Indian Tribe of Wisconsin.

Very truly yours,

Michael J. Barron, Jr.
Counsel for Wisconsin Central Ltd.

Attachments

cc: Allyn Lepeska
Shawn Frank



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Office of the Secretary

MAY 22 2002

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Public Record

205448



BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-303 (SUB-NO. 25X)

WISCONSIN CENTRAL LTD.- ABANDONMENT EXEMPTION--
IN LANGLADE, MENOMINEE AND SHAWANO COUNTIES, WISCONSIN

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
AND WISCONSIN CENTRAL LTD., JOINT
PETITION FOR EXTENSION OF NOTICE OF INTERIM TRAIL USE

BACKGROUND

On September 19, 2000, the Wisconsin Central Ltd. (WCL) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903-5¹ to abandon a line of railroad known as the White Lake Shawano Line, between milepost 280 north of White Lake and milepost 314.3 north of Shawano, in Langlade, Menominee and Shawano Counties, WI, a distance of 34.3 miles. The line traverses U.S. Postal Service Zip Codes 54491, 54150, 54128 and 54166 and includes stations at White Lake (milepost 282.8), Neopit (milepost 296.8) and Thornton (milepost 312.0).

¹ WCL's petition states that it seeks exemptions from the provisions of 49 U.S.C 10903-5, thus evidently including the exemption from the offer of financial assistance (OFA) requirements of 49 U.S.C. 10905. WCL has not submitted evidence to establish that the proposed exemptions from sections 10904 and 10905 meet the criteria of 49 U.S.C. 10502. The Board indicated in a footnote that WCL's request as to those two provisions will not be considered.

On October 12, 2000, the Wisconsin Department of Natural Resources signed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the segment of WC railroad line at White Lake Milepost 280.0 to Shawano Milepost 314.3, a distance approximately 34.3 miles in Langlade, Menominee and Shawano Counties, Wisconsin.

The Board issued a NITU under 49 CFR 1152.29, which was served on January 5, 2001, allowing the WisDNR the full 180 days from date of service or until July 4, 2001, to negotiate a rail banking agreement with WCL.

On February 2, 2001, the Board served a partial stay of the January 5, 2001 decision with respect to the trail use/rail banking authorized in Menominee County. That stay continues. The Menominee Indian Tribe of Wisconsin also filed an administrative agency review proceeding of the January 5, 2001 decision in the United States Court of Appeals for the District of Columbia Circuit on March 2, 2001. The Case No. is 01-1100. The parties are attempting to resolve that matter.

On June 29, 2001, WisDNR and WCL jointly filed a motion to extend the NITU negotiating period for an additional 180 days. The Board issued a NITU under 49 CFR 1152.29, which was served on July 3, 2001 allowing the parties until December 31, 2001 to negotiate a trail use agreement on the portion of the line not in Menominee County.

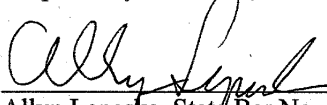
In a decision served on December 28, 2001, the NITU negotiating period and the deadline to exercise abandonment authority was extended until February 28, 2002. By letter filed February 15, 2002, WCL requested that the Board extend all current deadlines in this proceeding, such as those pertaining to the NITU and the abandonment consummation until May 31, 2002. By decision served on February 27, 2002 the board extended the negotiating period under the NITU until May 31, 2002 recognizing that the stay remains in effect as to the portion of the line in Menominee county.


WisDNR made an initial contact with WCL. Negotiations are moving slowly and more time is needed to finalize negotiations on the segment not under partial stay. WCL is agreeable to an extension of time to continue negotiations under a NITU condition for milepost 280.00 to milepost 314.3, except for the portion in Menominee County. WCL does not agree to imposition of an NITU condition between mileposts 287 and 299.5 in Menominee County.

MOTION

Therefore, WisDNR and WCL move that the period prescribed to negotiate an interim trail use/rail banking agreement be extended for 180 days from milepost 280.0 to milepost 314.3, except for the portion in Menominee County.

Respectfully submitted,


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